

Idaho Water Users Association

Comments, page 1, related to Sediment Load Allocations, "The sediment TMDL was based on trends and instantaneous information and data." "The information used in setting the standards were not based on Boise River segment assessments but on river segments outside the watershed." "These two items (improper assessment and instantaneous sampling) suggests that these sediment TMDL could be flawed. The information collected for the sediment TMDL has many data gaps and is not biologically or scientifically defensible. The Water Users Association would recommend the sediment TMDL not be implemented until more information is gathered to support the recommendation."

DEQ used TSS criteria that support healthy populations of the cold water fish that are present in the Boise River to develop load allocations for suspended sediment and solids. The load allocations are based upon sound assessment, data, and analysis.

Comments, page 2, Bacteria, "A more comprehensive testing program involving DNA E. Coli should be done before implementation of the bacteria TMDL. The Idaho Water Users Association recommends that the bacteria TMDL not be implemented until duration testing and E. Coli information is gained to find the source of the bacteria.

DEQ will incorporate language in the TMDL to specify that compliance with the bacteria load and waste load allocations should be judged based upon the most current state criteria for contact recreation. The lower Boise River Watershed advisory group has agreed to a pilot test of DNA typing for sources of bacteria that should help to direct implementation activities.

Comment, pages 2 and 3, Phosphorus TMDL. "It seems unusual that a no net increase of phosphorus is being set for the Boise River when there have been no violations or any impairment of designated uses." "Idaho Water Users Association would suggest further testing and monitoring before a no net gain in phosphorus is set for the Boise River."

The phosphorus load and waste load allocations have been removed from the TMDL document.

Comment, page 3, Temperature. "Idaho Water Users Association agrees with DEQ that a temperature TMDL should not be recommended for the lower Boise River."

Noted. DEQ does not recommend temperature load or waste load allocations for the two segments of the Boise River that are listed for temperature.

Comment, page 3, Improper Designated Uses. "Idaho Water Users Association recommends that a reassessment of designated uses for salmonid spawning and cold water biota be done." "If man-made solutions cannot change the temperature then salmonid spawning and cold water biota are not the proper designations for the lower Boise River."

Temperature criteria are only one element of the cold water biota and salmonid spawning use designations on the lower Boise River. DEQ reiterates that cold water biota and salmonid spawning are existing uses in the lower Boise River from Lucky Peak to the confluence with the Snake River.

Collected Comments, Nampa and Meridian Irrigation District, Pioneer Irrigation District, Middleton Irrigation District, Drainage District No. 2, Boise Valley Irrigation Ditch Company, Farmers Union Canal Company, City of Eagle, City of Middleton, City of Notus, City of Star, Star Sewer and Water District, Idaho Water Users Association.

Comment, page 6, regarding dams, water diversion and drainage systems, and flood control practices: "DEQ should remove from the P.A. the assertions that these systems are causes of impairment to be addressed through implementation of a TMDL."

Noted.

Comment, page 9, "Without further definition of the distribution and abundance of cold water species in the lower Boise River, the cold water biota designation does not accurately define existing or attainable species, distribution and abundance of fish, and cannot define proper water quality goals or provide a basis for determining whether fish are fully supported. The P.A. should, therefore, define the distribution and abundance of the cold water species DEQ has determined exist or are attainable in the Lower Boise River."

DEQ has effectively described the distribution and presence of cold water species, both fish and benthic macroinvertebrates, in the lower Boise River.

Recommendations Regarding assessment of the nature and extent of uses of the Lower Boise River segments and the "tributaries", page 11 of comments

DEQ should:

1. "Clearly define the fish species, distribution, and abundance that exists or is attainable in the Lower Boise River segments for purposes of assessing impairment and setting objectives for a TMDL;
2. Identify the reference stream of conditions, if any, that are used in defining the nature and extent of aquatic life uses to be attained;
3. If the nature and extent of aquatic life uses to be attained cannot be defined, postpone implementation of a TMDL to address aquatic life until necessary monitoring, analysis, and reference stream identification can be performed;
4. Include in the discussion of the 'tributaries' in Appendix B of the P.A. DEQ's findings/recommendations regarding appropriate uses of the District's drains; and,
5. Perform UAA or take other necessary action to remove recreational and aquatic life use designation from the drains, or at least the portions for which such designations are clearly inappropriate."

These comments all relate to use designations and stream classification, which are rule making issues, rather than load allocations issues.

“Recommendations regarding use assessments”

DEQ should:

“At a minimum, the P.A. should clearly identify, explain, and justify the reference streams or conditions used to assess waters. ... This analysis is necessary to evaluate DEQ’s assertions about use status, impairment, the causes of impairment, the validity and potential results of reducing loads to proposed levels, the ultimate objectives of the TMDL, and the costs and benefits of the TMDL effort.”

Use status, impairments, the causes of impairment, and load reductions required are all clearly and appropriately described by the TMDL.

Recommendations regarding sediment, page 24 of comments

DEQ should:

1. “reconsider its assessment that suspended sediment impairs aquatic life in all or most stream segments of the Lower Boise River;
2. Perform additional surveys of embeddedness and reevaluate prior results;
3. Determine the extent to which habitat improvements can be achieved through suspended sediment reductions given the armoring of the substrate throughout the Lower Boise River;
4. Through fish sampling and analysis, determine the actual extent to which fish are adversely affected by suspended sediment in the water column;
5. Evaluate bank erosion and other, non-discharge related sources of sediment to determine the extent to which discharges contribute suspended sediment to the Boise River and the extent to which a TMDL can be effective in reducing such concentrations;
6. If appropriate after further monitoring and analysis, delist the Lower Boise River segments for impairment due to sediment;
7. Change the priority status of the Lower Boise River segments from high to medium insofar as sediment is concerned;
8. Determine whether existing, available, and cost-effective control measures will be effective in reducing suspended sediment to levels before implementing a TMDL; and,
9. Delay issuance of a final problem assessment and implementation of a TMDL for sediment until sufficient monitoring and analysis is performed to assess the impacts of sediment on aquatic life, or issue an informational TMDL so that such monitoring and analysis and interim control measures can be implemented and evaluate

DEQ’s assessment of sediment conditions in the river is accurate and appropriate for the development of load and waste load allocations. DEQ will not change the priority of listed Boise River segments. The TMDL specifies necessary sediment load reductions. Methods for achieving the allocations will be developed in the implementation plan that follows the TMDL. The lower Boise River TMDL is due at the end of calendar year

1998, and sediment allocations cannot be delayed.

Conclusions and recommendations regarding nutrients, page 29 of comments
DEQ should:

1. Include in the P.A. a discussion of relative costs and benefits anticipated from a nutrient TMDL in light of scientific literature indicating that phosphorus levels cannot be reduced to a level which limits aquatic plant growth in most stream environments;
2. Remove from the P.A. the speculation that aquatic plant growth could, in drought years, impair recreation and aquatic life uses or support that speculation with valid data and analysis, including identification of an appropriate reference stream or conditions;
3. Remove from the P.A. the discussion of conditions at Brownlee Reservoir as a justifications for implementing a TMDL on the Boise River or provide an adequate factual and legal justification for implementing a TMDL on the Boise River to address conditions in Brownlee Reservoir;
4. Delist the Star to Notus and the Notus to Snake River segments in the final 1998 303(d) list for impairment due to nutrients;
5. Delete the high priority status of the lower Boise River segments insofar as nutrients are concerned; and,
not implement a TMDL for nutrients.”

Load and waste load allocations for total phosphorus have been removed from the TMDL, and will be developed concurrently with nutrient TMDLs for the lower Snake River and Brownlee Reservoir.

Recommendations regarding bacteria, page 32 of comments
DEQ should:

1. “Modify the Draft Problem Assessment and Appendix B to either justify reliance on ‘estimated measurements’ or remove such measurement from consideration for support status determinations;
2. Remove anomalies from consideration for support status determinations;
3. Remove bacteria measurements over five years old from consideration for support status determinations;
4. Correct the assessment of the Star to Notus segment to show that recreational uses are fully supported and reconsider the impairment assessment of the Notus to Parma segment;
5. Delist the Star to Notus segment and possibly the Notus to Snake River segment in the final 1998 303(d) list for recreational use impairment due to bacteria;
6. Change the priority status of the Lower Boise River segments from high to medium insofar as bacteria is concerned;
7. Delay issuance of a final problem assessment and TMDL for bacteria until the E Coli criteria is adopted and sufficient monitoring and DNA analysis can be performed to determine

E Coli levels and sources, or issue and informational TMDL so that such monitoring and analysis and interim measures can be implemented and evaluated.”

DEQ has developed appropriate load and waste load allocations for bacteria, including language recognizing the potential adoption of E. Coli criteria in the future. The load and waste load allocations for bacteria cannot be delayed, and are included in the TMDL.

Recommendations regarding temperature, page 34 of comments
DEQ should:

1. “Remove from the P.A. and its appendices all characterizations of water temperature as a pollutant or as a cause of impairment of aquatic life;
2. Delist the Star to Notus and Notus to Snake River segments in the final 1998 303(d) list for aquatic life use impairment due to temperature;
3. Clarify in the P.A. and in all future 305(b) reports that the cold water biota designation for the Star to Snake River segments pertains only to mountain whitefish and only during the fall and winter and, therefore, the cold water biota designation applies to these segment only during the fall and winter, or provide in the P.A. the data and analysis which shows that mountain whitefish or other cold water biota are present in these segments during the summer to justify continuing the cold water biota designation through the entire year;
4. If appropriate to account for the presence of mountain whitefish, re-designate the Star to Snake River segments for cool water biota and apply cool water standards as soon as such designations and criteria are adopted in Idaho’s water quality standards.”

DEQ has accurately and appropriately analyzed temperature in the lower Boise River. DEQ has determined that load and waste load allocations for temperature are not appropriate for the listed segments of the lower Boise River. The appropriate approach to temperature criteria for the lower Boise River will be developed.